

THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99-372-F)

PATENT

In re Application of: Welcher et al.)

Serial No.: 09/927,850)

Filed: August 10, 2001)

For: Interferon-Like Molecules)
and Uses Thereof)

Before the Examiner: J. Andres

Group Art Unit: 1646

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL RESPONSE TO OFFICE ACTION

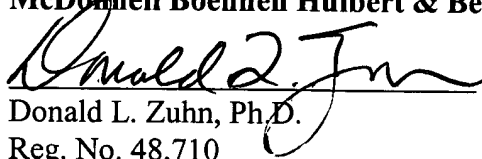
Further to Applicants' Response to the Office Action mailed May 6, 2003, Applicants submit an executed copy of the Declaration under 37 C.F.R. § 1.131 containing the signatures of all three named inventors. Applicants contend that because the Declaration sufficiently establishes the conception of the subject matter of the claims prior to the effective date of the '145 Patent, and further, establishes that the subject matter of the rejected claims was diligently reduced to practice, the Declaration is sufficient to overcome the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by the '145 Patent.

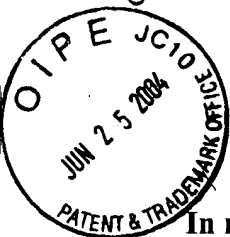
If Examiner Andres believes it to be helpful, she is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: June 25, 2004

By:


Donald L. Zuhn, Ph.D.
Reg. No. 48,710



06-28-04

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IFW

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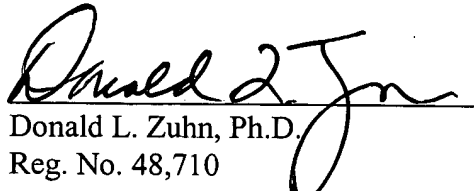
TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above-described patent application: Supplemental Response to Office Action, Declaration Pursuant to 37 C.F.R. § 1.131, and return postcard.
2. GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES: Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 25, 2004.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: June 25, 2004

By:


Donald L. Zuhn, Ph.D.
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